

## REMARKS

This Amendment is in response to the Office Action dated December 3, 2003. Claims 1-7, 14, 17-25, 32, 35, 36, and 39-43 are rejected. Claims 8-13, 16, 26-31, 34, 37, and 38 are allowed. Claims 5 and 33 are objected to. Claims 1, 6, 7, 15, 19, 24, 25, 33, 39, 40, 41, 42, and 43 have been amended. Claims 4, 5, 22, and 23 have been canceled. Accordingly, claims 1-3, 6-21, and 24-43 remain pending in the present application.

Applicant appreciates the allowance of claims 8-13, 16, and 26-31.

Claims 15 and 33 are objected to as being dependent upon a rejected base claim, but the examiner states that these claims “would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.”

Claims 3, 6, and 21 rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The examiner states: Re Claim 3, line 4 recites and repeats the same limitation ‘(a3ii) subtracting from the GSF bandwidth requirements’ as recited in Claim 2, line. [sic] This limitation should be deleted or amended to further limit what the ‘subtracting...’ limitation. Same reasoning applied for the Claim 21. Re Claim 6, it is unclear what is meant by ‘(a1iB reporting an error if the updating does not occur often enough.’

Applicant has amended claim 6 to recite “reporting an error if the updating does not occur often enough to avoid conflicts with the plurality of LVS jobs.” Applicant submits that amended claim 6 traverses the examiner’s rejection.

Regarding claim 3, this claim depends upon claim 2 and further limits the subtracting step (a3) of claim 2. Claim 3 further limits claim 2 by reciting the additional recording step (a3i) and logging step (a3iii). The subtracting step (a3ii) is repeated to demonstrate the order of steps (a3i)-(a3iii). Therefore, Applicant submits that claim 3 properly further limits claim 2 and requests that the examiner withdraw its rejection.

Applicant’s arguments concerning claim 3 applies to the rejection of claim 21 with equal

force.

Claims 1-7, 14, 17-25, 32, 35, 36, and 39-42 are rejected under 35 USC 102(e) as being anticipated by Egawa (5,745,694).

Applicant respectfully disagrees as to the claims as amended. In accordance with the present invention, higher priority transmissions, such as live-video stream (LVS) jobs, are allocated bandwidth before bandwidth is allocated to other file transmissions. In contrast, Egawa discloses a reservation system that allocated bandwidth based on a remaining bandwidth. However, Egawa does not disclose allocating bandwidth by first allocating bandwidth to LVS jobs that has not yet been allocated bandwidth. Thus, in Egawa, LVS jobs would not be given priority.

Therefore, Egawa does not teach or suggest the combination of determining an available bandwidth for completion of a file transmission for a time interval, wherein the time interval is a current time plus a maximum duration for the completion of at least one file transmission task, comprising determining a plurality of LVS jobs to begin during the time interval, allocating bandwidth to the plurality of LVS jobs not yet allocated bandwidth, and determining the available bandwidth for completion of the file transmission for the time interval after the bandwidth allocation to the plurality of LVS jobs, in combination with the other recited elements in amended independent claims 1, 19, and 29-42 of the present invention.

Claim 43 is rejected under 35 USC 103(a) as being unpatentable over Egawa in view of McFadden (6,614,804).

Applicant submits that amended independent claim 43 is allowable for at least the reasons set forth in Applicant's arguments concerning Natarajan as applied to claims 1, 19, and 39-42 above. For the sake of brevity, these arguments will not be repeated. Thus, even if McFadden teaches the limitations as argued by the Examiner, Egawa in view of McFadden still does not teach or suggest a server, comprising a manager for file transmissions via a satellite transponder, wherein

the manager comprises a bandwidth allocation scheduler, the bandwidth allocation scheduler capable of determining an available bandwidth for completion of a file transmission for a time interval, wherein the time interval is a current time plus a maximum duration for a completion of at least one transmission task, wherein the in determining the available bandwidth, the bandwidth allocation scheduler is capable: determining a plurality of live-video stream (LVS) jobs to begin during the time interval, allocating bandwidth to the plurality of LVS jobs not yet allocated bandwidth, and determining the available bandwidth for completion of the file transmission for the time interval after the bandwidth allocation to the plurality of LVS jobs, in combination with the other recited elements in claim 43 of the present invention.

Therefore, for the above identified reasons, the present invention as recited in independent claims 1, 8, 10, 16, 19, 26, 28, 34, and 37-43 is neither taught nor suggested by the cited references. Applicant further submits that claims 2-7, 9, 11-15, 17-18, 20-25, 27, 29-33, 35-36 are also allowable because they depend on the above allowable base claims.

In view of the foregoing, Applicant submits that claims 1-3, 6-21, and 24-43 are patentable over the cited references. Applicant, therefore, respectfully requests reconsideration and allowance of the claims as now presented.

Applicants' attorney believes this application in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicants' attorney at the telephone number indicated below.

Respectfully submitted,  
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